



AARP MICHIGAN

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To: The Honorable Rick Jones, Chairman, and
Members of the Senate Judiciary Committee

From: Lisa Dedden Cooper, Manager of Advocacy, AARP Michigan
Melissa Seifert, Associate State Director for Government Affairs, AARP

Date: September 23, 2014

Re: Support for Senate Bills 465 and 466

Thank you for this opportunity to share with you why passage of Senate Bills 465 and 466 is a legislative priority for AARP in Michigan. AARP is a nonprofit, nonpartisan 501(c)(4) social welfare organization that advocates on issues that matter to people age 50 and over, and their families. More than 1.4 million Michigan citizens are AARP members.

Senate Bills 465 and 466, introduced by Senator Tonya Schuitmaker, would adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) in Michigan. Michigan is one of only 11 states that has yet to adopt the UAGPPJA.

AARP supports the UAGPPJA because when more than one state is involved in a guardianship matter, families can get caught in jurisdictional tangles that can cost a lot of money, delay good care, and aggravate disputes. Across the country, the UAGPPJA has also been supported by the National College of Probate Judges, National Academy of Elder Law Attorneys, National Guardianship Association, Alzheimer's Association, and Conference of Chief Justices.

One out of every 7 adults in Michigan is currently serving as a caregiver for an adult family member, and more and more Michigan residents have family members who live in other states.

Most families will not ever need to resort to pursuing a guardianship or conservatorship for a loved one, or one that involves more than one state. For those that do, however, jurisdictional disputes can be time-consuming and costly, and they come at a time when family caregivers are already under a great deal of stress.

The key word in the lengthy name of this Act is *Jurisdiction*. The focus of the UAGPPJA is narrow. **It establishes a uniform set of rules for state courts to interact with each other when an adult guardianship or conservatorship case involves more than one state.** The UAGPPJA would not change Michigan's substantive guardianship laws, and it would not change the process for cases that only involve people and property within the state of Michigan. Here's how the UAGPPJA works:

- **Multiple Jurisdictions:** Adopting the UAGPPJA creates a clear process for determining which state has jurisdiction to appoint a guardian or conservator if there is a conflict. *Example:* Mom's a snowbird who lives in Michigan during the summer and Arizona during the winter. Her health is

rapidly declining and she can no longer care for herself, property or finances. Her son in another state files for guardianship. The UAGPPJA outlines the process for determining which state is Mom's "home state." Without the UAGPPJA, it would be unclear which state would have jurisdiction.

- Transfer: The UAGPPJA outlines a procedure for transferring a guardianship or conservatorship to another state and for accepting a transfer, helping to save time and eliminate expense. *Example*: A daughter serves as guardian for her mother, and they live together in Michigan. When the daughter retires, they decide to move to another state where they can be closer to the rest of their family. With the UAGPPJA, if the family moves from one state to another, their guardianship transfers with them through a shortened process in both states that allows for any objections and allows both courts to feel confident in transferring the case.
- Out-of-State Recognition and Enforcement: The UAGPPJA helps facilitate enforcement of guardianship and protective orders in other states by authorizing a guardian or conservator to register their orders in other states. *Example*: A wife serves as guardian for her husband who has Alzheimer's, and the closest appropriate care facility is in another state. The UAGPPJA would allow the wife to register with the court in that other state and proceed with getting her husband the care he needs. Without the UAGPPJA in both states, the wife would have to start the process of guardianship in that other state, which could take months and possibly delay treatment.

Adopting the UAGPPJA would also help prevent a type of elder abuse known as "granny snatching." *Granny snatching* is an elder abuse tactic by which someone who wants control over a vulnerable individual and their assets – usually when there's a sizeable estate involved – takes that individual across state lines and immediately files for guardianship, preventing control or contact with the individual by other family members. Granny snatching is rare, but when it happens it can be emotionally and financially devastating for families.

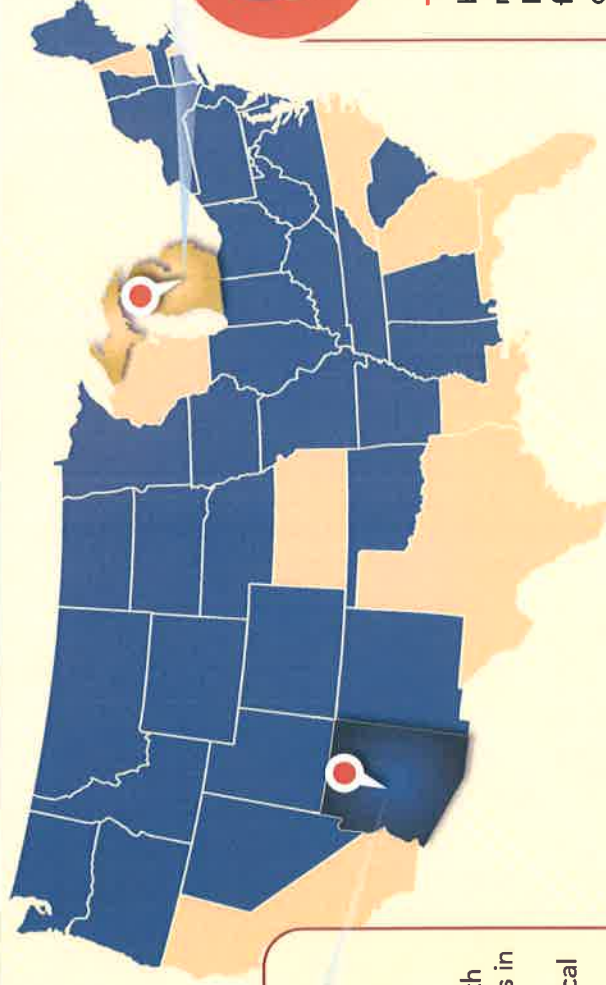
Over the past year, AARP Michigan and the Uniform Law Commission have worked with the Michigan Probate Judges Association and other stakeholders in the Michigan legal community to try to address specific concerns they have raised. We believe the language you will find in SB 465 (S-1) and SB 466 (S-1) addresses those concerns while maintaining sufficient uniformity for the UAGPPJA to function as intended. Compared to the language of the model uniform act, the proposed S-1 substitutes incorporate minor changes including the following:

- *Scope of Act* language has been added, to clarify that the UAGPPJA applies *only in those cases* in which there is inter-jurisdictional conflict;
- A definition of "temporary absence" has been incorporated as recommended by Probate and Estate Planning Section attorneys; and
- Language has been added to expressly provide that the UAGPPJA shall not be construed to limit the rights set forth in MCL 700.5306a (PA 173 of 2012) for a ward or individual for whom a guardianship is sought.

We appreciate the opportunity to share this information with the committee, and thank you for your work on this important issue. **We hope that you will vote YES on SBs 465 and 466.** If you have any questions or if there is further information we can provide, please feel free to contact Melissa Seifert at 517-267-8934 or mseifert@AARP.org, or Lisa Dedden Cooper at 517-267-8923 or lcooper@AARP.org.

CAREGIVING Across State Lines

Michigan Senate Bills 465 and 466, the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA), will help family caregivers and the aging parents, spouses and other loved ones who count on them for care and support.



● In states with blue, UAGPPJA is law.



This is Jane.

She lives in Arizona, but as her health has declined her son John, who lives in Michigan, has taken over making decisions about her property, medical care, and living arrangements. Jane wants to move closer to John.



This is John.

He lives in Michigan but cares for his mother Jane, who lives in Arizona. Last year he racked up huge legal fees becoming his mother's legal guardian in Arizona.



Because UAGPPJA isn't law in Michigan, our courts won't accept the guardianship court order from Arizona. John will now have to repeat a potentially expensive, time-consuming process in Michigan.



While every family situation is different, the fact is: **Caregiving situations change.** And, caring for our loved ones across state lines should be consistent when it comes to the law. **UAGPPJA simply:**



Creates a clear process for determining jurisdiction by designating the "home state."



Outlines a set of rules for transferring guardianship from one state to another.



Allows states to recognize and register guardianship orders from other states.



Protects our seniors against abuse and exploitation because the guardianship order is registered in other states.

